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**To:** Microsoft ATR  
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**Subject:** Comments regarding Microsoft Antitrust Case

The problem with the settlement is that it addresses past abusive behavior by Microsoft while doing little to address the future abuses that may happen or are already happening.

Specifically I would like to highlight one central tenet of the settlement: allowing other companies to integrate their own web browsers. This is not a true remedy in the sense that it does not correct the original problem nor does it correct any of the other more pressing problems to anything more than a petty degree. Succintly, Microsoft has already won the browser war by abusing its monopoly powers. Allowing other manufacturers to integrate their own browsers will not correct this problem.

There are several reasons why this is so. First, most manufacturers won't bother to integrate a new browser into their products. Even if they did (for example in return for some monetary compensation), any installed browser will have enourmous difficulties competing with the "default" browser that will be shipped by the majority of computers worldwide. Thus, many web sites will continue to be designed only for Microsoft's Internet Explorer while the opposite -- the creation of web sites for other browsers -- will seldom be the case. Thus Microsoft's hold in the browser market will continue to tighten over time.

But more importantly, Microsoft's ambitious plan to illegally usurp Netscape has succeeded. The while the legal remedies purport to address this problem they do will not have any significant effect on Microsoft's activities.

Second, the legal remedies do little to address Microsoft's present and future anticompetitive behavior. Recently we saw an epidode of this, when hotmail -- a Microsoft owned web-based e-mail service -- the largest of its kind in the world, suddenly locked out all competing browsers (including netscape) from it's service without prior notice. A message on the site asked users to "upgrade" to Internet Explorer, and it claimed the reason for the lock out was to enable the page to be rendered correctly.

These claims however have since been demonstrated to be baseless lies. It was found that if the hotmail web page was accessed with Internet Explorer, and the source of the page was saved to a file, the file would render correctly in all competing browsers. This demonstrates that the source code for these web pages was in fact renderable by all competing browsers, while exposing Microsoft's claims as manifestly false.

The only solution, as painful as it may be, seems to be to split the company. Only in this way will they be prevented from continually abusing their power as the relentlessly have done and as the Justice department must be

well aware. Any belief that such a break-up will be bad for the economy ignores the even greater loss sustained in an environment that lacks competition. Thus we must do the "right-thing" and press on.

Best Regards,

Hooman